

EXHIBIT A

EXHIBIT A to the Declaration of Kevin E. Gilbert. A true and correct copy of the audio of the first 911 call (without time stamp).

Please click on the following link:



EXHIBIT B

EXHIBIT B to the Declaration of Kevin E. Gilbert. A true and correct copy of the audio of the first 911 call (with time stamp).

Please click on the following link:

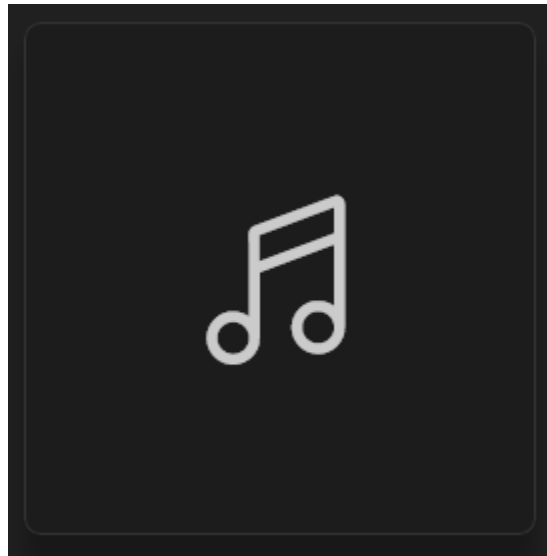


EXHIBIT C

EXHIBIT C to the Declaration of Kevin E. Gilbert. A true and correct copy of the audio of the second 911 call (without time stamp).

Please click on the following link:



EXHIBIT D

EXHIBIT D to the Declaration of Kevin E. Gilbert. A true and correct copy of the audio of the second 911 call (with time stamp).

Please click on the following link:



EXHIBIT E

BODY-WORN VIDEO

EXHIBIT E to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Jose Mendoza's body-worn camera for the subject incident.

Please click on the following link:



EXHIBIT F

BODY-WORN VIDEO

EXHIBIT F to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Isaac Ipsen's body-worn camera for the subject incident.

Please click on the following link:



EXHIBIT G

BODY-WORN VIDEO

EXHIBIT G to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Cesar Barba's body-worn camera for the subject incident.

Please click on the following link:

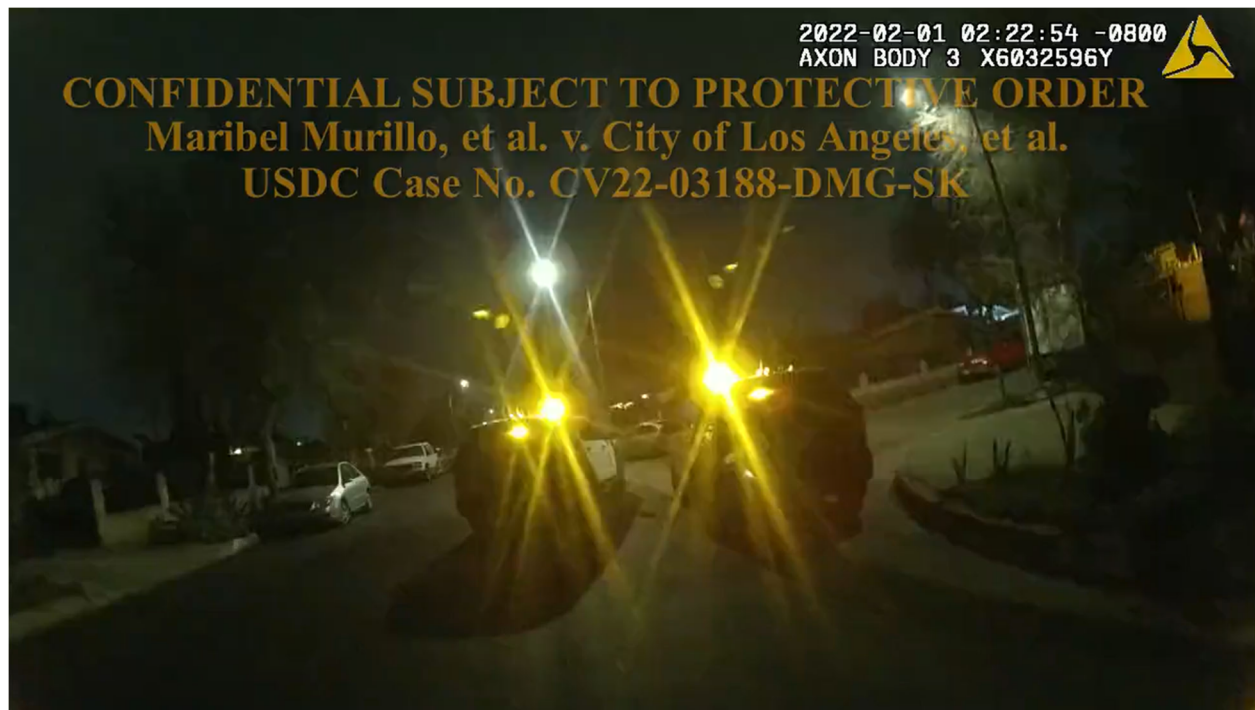


EXHIBIT H

BODY-WORN VIDEO

EXHIBIT H to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Sergeant Francisco Alferez's body-worn camera for the subject incident.

Please click on the following link:

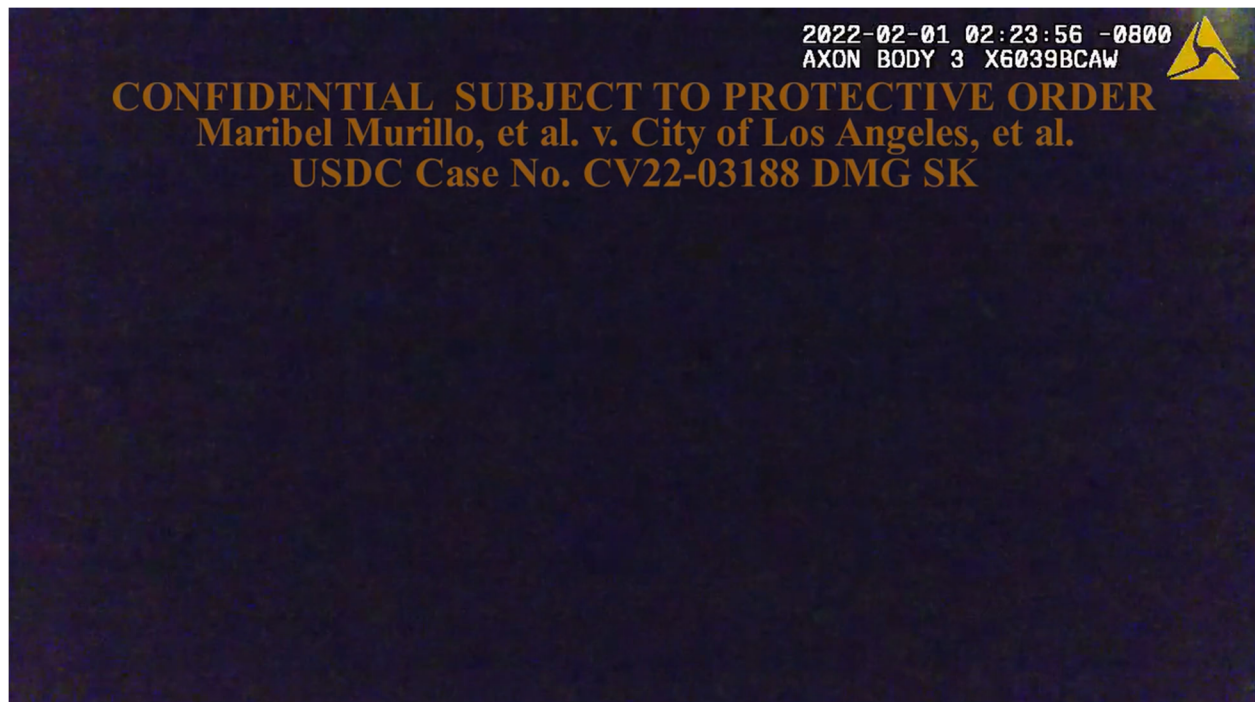


EXHIBIT I

BODY-WORN VIDEO

EXHIBIT I to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Nicholas Knolls' body-worn camera for the subject incident.

Please click on the following link:

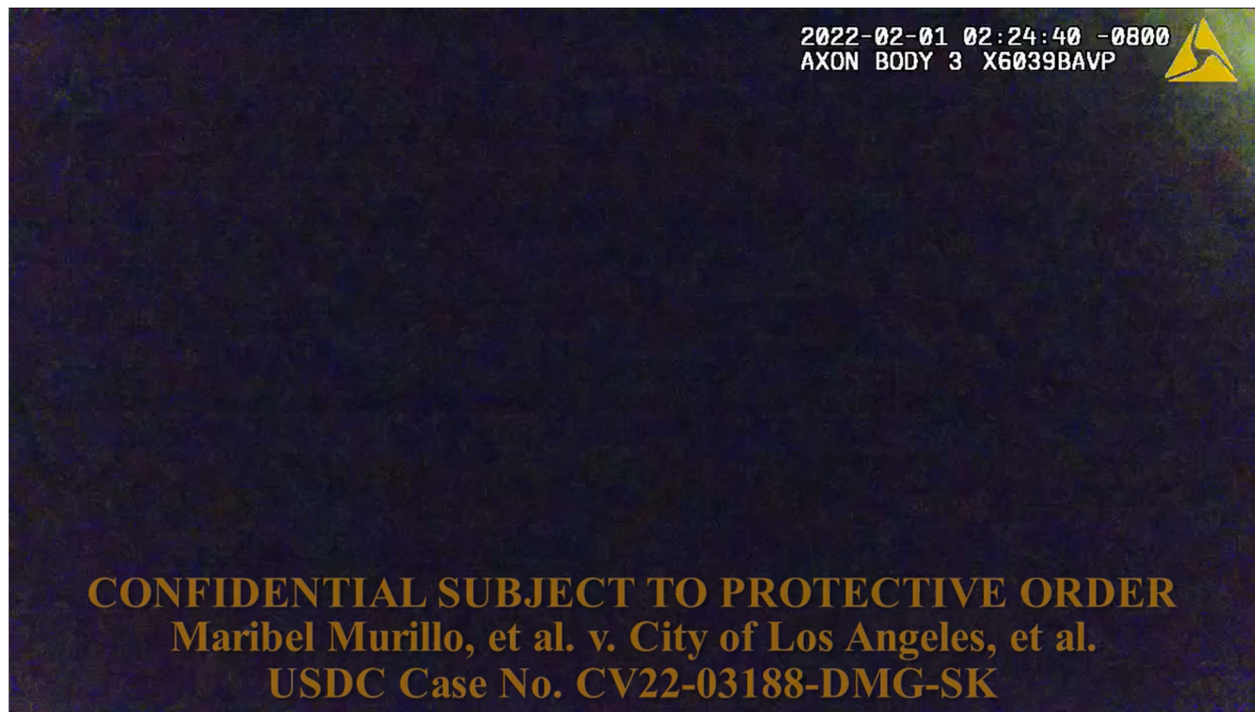


EXHIBIT J

LOS ANGELES POLICE DEPARTMENT

Date: 3/24/2023 8:33:57 AM

User: N4554

PD22020100000313

INCIDENT RECALL

Incident	Time	Type	Pri	Dispo	Address Location BEAT TEAM/Dist AREA	Bldg Apt Address Phone	Caller Name	P-Unit	Close Date/ Time	Operator
PD22020100000313	02:15	245SN	3	BWVY DICVY RPTSY	12935 DESMOND ST 1601 16	MALE 213 392 0651		PD/16A11-W3	02/01/22 18:34	N3877
Contact Complainant: No										
Date								Trans Type	Cons	Operator
2/1/22 02:15:55	Prem/Haz Check: Prem/Haz Check Title:1601 Owner Name:N. Kemp/ N2719 Auth.Empl:alferez/ 31625 Type:SPECIAL INSTRUCTIONS Description:Special Instructions Proximity:Outer Location:13070 VAUGHN ST Comment:Daniel Barajas: 9 radio calls generated at location since 2020. calls have been investigated, no crime, Subject is 5150. PLEASE DO NOT DISPATCH UNIT AND CLOSE CALL ; Title:1601 Owner Name:McConnell Residence Auth.Empl:35316/33389 Type:SPECIAL INSTRUCTIONS Description:Special Instructions Proximity:Inner Location:12938 EUSTACE ST Comment:ENTERED 02/08/20 **NUMEROUS B/O EMERGENCY CALLS AT LOCATIONS, CAUSING CODE 3 RESPONSES, DETENTION OF POSSIBLE SUSPECTS INVOLVED IN ADW/BOMB THREATS/ARMED SUSPECTS/KIDNAPPING, ETC. (POSSIBLE SWATting). 9-1-1 ABUSE REPORT COMPLETED. IF CALL IS GENERATED FROM 818-899-3850 OR CALLER IDENTIFIES AS MCCONNELL FAMILY MEMBER SEND ACCORDINGLY, OTHERWISE DOWNGRADE ANY PRIORITY CALLS TO CODE TWO. SUSPECT IS POSSIBLY THE NEIGHBOR THAT RESIDES ACROSS THE STREET AND HAS DESCRIBED THE SUSPECT TO OPERATORS AS M/B, 16-17 YEARS THAT IS RESIDENT OF THE ADDRESS. ** NOTIFY ANY AREA SUPERVISOR TO RESPOND*** OBTAIN CALLER INFORMATION FOR ARREST.							PREM/HAZ	V41	N3877
2/1/22 02:15:55	Incident Created: Location: 12935 DESMOND ST Latitude: 34.28544361 Longitude -118.41444901 City: PAC Cross Streets: 11800 PHILLIPPI AV / 11800 SPROULE AV Incident Type: 245SN Priority: 3							INC CREATE	V41	N3877
2/1/22 02:15:55	Comments: 747 476 2603							CMNTS	V41	N3877
2/1/22 02:15:55	Jurisdiction: Area: 16, Beat: 1601, Sector: FH01							INC CREATE	V41	N3877
2/1/22 02:16:11	Fixed: [PATROL] 16A11-W3#[PATROL] 16A23-W3, 16X41-W3, *16A35-W3, 16A77-W3, 16A81-W3, 16A59-W3, *16X58-W5							REC	V69	N6262
2/1/22 02:16:49	Dispatch: <u>PD/16A11-W3</u>							DPTCH	V69	N6262
2/1/22 02:16:49	Primary Unit: Primary:: <u>PD/16A11-W3</u> (NULL)							PRIM UNIT	V69	N6262
2/1/22 02:16:49	Unit: <u>PD/16A11-W3</u> Unit Status: NoNeedDisplay: False, UnitStatusChange: ER (EX)							UNIT STAT	V69	N6262
2/1/22 02:16:49	Unit: <u>PD/16A11-W3</u> Unit Location: City: : PAC, Location:: 12935 DESMOND ST (MISSION 1)							UNIT MGMT	V69	N6262
2/1/22 02:16:49	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: <u>PD/16A11-W3</u> (Officers: PD/IPSEN ISAAC, PD/MENDOZA JOSE), DispatchedTime: 2022-02-01 02:16:49							DPTCH	V69	N6262
2/1/22 02:16:49	Incident Status: IncStatName: Active (Pending)							INC STAT	V69	N6262
2/1/22 02:16:49	Not Requested: Recommendations not requested							REC	V69	N6262
2/1/22 02:17:04	Comments: 16A11 C3 FILMORE/BORDEN							CMNTS	V69	N6262
2/1/22 02:17:18	Incident Updated: Mod Circum: EW							INC UPDT	V41	N3877
2/1/22 02:17:18	Comments: SUSP / BROTHER ^JONATHAN MURILLO^ M/B, 23 YRS, NFD. SUSP ARMED WITH A KNIFE ATT TO HIT PR & FAMILY, SUSP BANGING ON WALLS, UNK IF SUFFERS FROM MENTAL ILLNESS							CMNTS	V41	N3877 01
2/1/22 02:17:18	Response Message: EDGED WEAPON PROTOCOL: *DISPATCH A CODE SAM/CODE SAM 40 EQUIPPED UNIT AND SUPERVISOR ON CALLS WITH EDGED WEAPONS*[Agency/IRF]							RESP MSG	SystemDevice	SYSTEM
2/1/22 02:17:27	Comments: PHONE NUMBER INFO PUT IN ERROR BY EBO							CMNTS	V41	N3877
2/1/22 02:17:30	Dispatch: <u>PD/16A23-W3</u>							DPTCH	V69	N6262
2/1/22 02:17:30	Unit: <u>PD/16A23-W3</u> Unit Status: NoNeedDisplay: False, UnitStatusChange: ER (EX)							UNIT STAT	V69	N6262
2/1/22 02:17:30	Unit: <u>PD/16A23-W3</u> Unit Location: City: : PAC, Location:: 12935 DESMOND ST							UNIT MGMT	V69	N6262

CITY 0001

3/24/23, 8:34 AM	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: <u>PD/16A23-W3</u> (Officers: DPTCH PD/GARCIA BRIAN, PD/SCHLESINGER ERIC), DispatchedTime: 2022-02-01 02:17:30	V69	N6262	
2/1/22 02:17:30	Not Requested: Recommendations not requested	REC V69	N6262	
2/1/22 02:17:48	Person 1 Added: Person 1 Added: FirstName: JOSHUA; LastName: HECHEVARIA; Phone: 747 2747295 ;	PER INFO V41	N3877	
2/1/22 02:17:52	Comments: Dup: SUSP STEPSON M/B 24 YRS, BLK CLOTHING, ARMED W/KNIFE, POSS UNDER INFLUENCE OF NARCO, MAKING THREATS, ALL FAMILY MEMBERS ARE LOCKED IN THEIR ROOMS	CMNTS M49	N2724	02
2/1/22 02:17:52	Duplicate Call:	DUP CALL M49	N2724	
2/1/22 02:17:52	Person 2 Added (Duplicate Call): Person 2 Added (Duplicate Call): FirstName: MALE; Phone: 213 3920651 ;	PER INFO M49	N2724	
2/1/22 02:18:33	Comments: PR LOCKED IN HIS BEDROOM	CMNTS M49	N2724	
2/1/22 02:18:38	Comments: 16A11 CODE SAM/SAM 40 EQUIPPED	CMNTS V69	N6262	
2/1/22 02:18:43	Dispatch (Pre-assigned): <u>PD/16L120-W3</u>	DPTCH V69	N6262	
2/1/22 02:18:43	Dispatch (Pre-assigned): AlarmLevel: 0, AssignedUnitsWithOfficers: <u>PD/16L120-W3</u> (Officers: PD/ALFEREZ FRANCISCO), DispatchedTime: 2022-02-01 02:18:43	DPTCH V69	N6262	
2/1/22 02:18:43	Not Requested: Recommendations not requested	REC V69	N6262	
2/1/22 02:19:22	Unit: <u>PD/16A11-W3</u> Unit Status: UnitStatusChange: AS (ER)	UNIT STAT V69	N6262	
2/1/22 02:19:51	Unit: <u>PD/16A23-W3</u> Unit Status: UnitStatusChange: AS (ER)	UNIT STAT V69	N6262	
2/1/22 02:20:01	Comments: CORRECTION SUSP IS INSIDE OF THE HOUSE BANGING ON THE BEDROOM DOOR, PR CANNOT SEE SUSP, PR LOCKED IN THE ROOM	CMNTS V41	N3877	
2/1/22 02:20:42	Dispatch: <u>PD/16L120-W3</u>	DPTCH V69	N6262	
2/1/22 02:20:42	Unit: <u>PD/16L120-W3</u> Unit Status: UnitStatusChange: DS (CL)	UNIT STAT V69	N6262	
2/1/22 02:20:42	Unit: <u>PD/16L120-W3</u> Unit Location: City: : PAC, Location:: 12935 DESMOND ST	UNIT V69 MGMT	N6262	
2/1/22 02:20:46	Unit: <u>PD/16L120-W3</u> Unit Status: UnitStatusChange: ER (DS)	UNIT STAT V69	N6262	
2/1/22 02:21:03	Comments: 16A23 MEETING W/ PR	CMNTS V69	N6262	
2/1/22 02:21:07	Comments: PR TALKING TO PD THRU WINDOW	CMNTS M49	N2724	
2/1/22 02:21:31	Comments: PR ADVD PD IS TALKING TO HIS STEP DAD, EBO VERIFIED WITH UNIT 16A23 ACK'D, EBO DISCONNECTED PHONE	CMNTS V41	N3877	
2/1/22 02:21:56	Comments: 16A23 REQ AIR UNIT	CMNTS V69	N6262	
2/1/22 02:22:10	Comments: EBO DISCONNECTED	CMNTS M49	N2724	
2/1/22 02:22:23	Dispatch: <u>PD/16A81-W3</u>	DPTCH V69	N6262	
2/1/22 02:22:23	Unit: <u>PD/16A81-W3</u> Unit Status: NoNeedDisplay: False, UnitStatusChange: AS (EX)	UNIT STAT V69	N6262	
2/1/22 02:22:23	Unit: <u>PD/16A81-W3</u> Unit Location: City: : PAC, Location:: 12935 DESMOND ST (MISSION 2)	UNIT V69 MGMT	N6262	
2/1/22 02:22:23	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: <u>PD/16A81-W3</u> (Officers: PD/TYKHOMYROV GEORGIY, PD/BARBA CESAR), DispatchedTime: 2022-02-01 02:22:23	DPTCH V69	N6262	
2/1/22 02:22:23	Not Requested: Recommendations not requested	REC V69	N6262	
2/1/22 02:24:54	Comments: 16A11 REAR OF RESD, HAVE UNITS RESPONDING RESPOND TO THE REAR OF LOC, SUSP ARMED W/ 2 KNIVES REFUSING TO EXIT RESD,	CMNTS V69	N6262	
2/1/22 02:25:02	Unit: <u>PD/16L120-W3</u> Unit Status: Submitted:: 2022-02-01 02:25:02, UnitStatusChange: AS (ER)	UNIT STAT PD530177	31625	
2/1/22 02:26:49	Unit: <u>PD/16A11-W3</u> Unit Status: UnitStatusChange: HB (AS)	UNIT STAT V69	N6262	
2/1/22 02:26:57	Dispatch: <u>PD/16A59-W3</u>	DPTCH V69	N6262	
2/1/22 02:26:57	Unit: <u>PD/16A59-W3</u> Unit Status: NoNeedDisplay: False, UnitStatusChange: ER (CL)	UNIT STAT V69	N6262	
2/1/22 02:26:57	Unit: <u>PD/16A59-W3</u> Unit Location: City: : PAC, Location:: 12935 DESMOND ST	UNIT V69 MGMT	N6262	
2/1/22 02:26:57	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: <u>PD/16A59-W3</u> (Officers: PD/KARPMAN ILYA, PD/OLIVARES JEAN PAU), DispatchedTime: 2022-02-01 02:26:57	DPTCH V69	N6262	
2/1/22 02:26:57	Not Requested: Recommendations not requested	REC V69	N6262	
2/1/22 02:27:06	Comments: 16A11 REQ B/U 415M W/ KNIFE	CMNTS V69	N6262	
2/1/22 02:27:56	Comments: 16A11 VERIFY ALL RESD EXITED LOC	CMNTS V69	N6262	
2/1/22 02:28:05	Comments: 16L120 INC COMMANDER	CMNTS V69	N6262	
2/1/22 02:32:19	Dispatch: <u>PD/16A35-W3</u>	DPTCH V69	N6262	
2/1/22 02:32:19	Unit: <u>PD/16A35-W3</u> Unit Status: NoNeedDisplay: False, UnitStatusChange: ER (CL)	UNIT STAT V69	N6262	

CITY 0002

2/1/22 02:32:19	Unit:PD/16A35-W3 Unit Location: City: : PAC, Location:: 12935 DESMOND ST (FTHL STATION)	UNIT MGMT	V69	N6262
2/1/22 02:32:19	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: PD/16A35-W3 (Officers: PD/KNOLLS NICHOLAS, PD/MARTINEZ SABRINA), DispatchedTime: 2022-02-01 02:32:19	DPTCH	V69	N6262
2/1/22 02:32:19	Not Requested: Recommendations not requested	REC	V69	N6262
2/1/22 02:32:30	Unit:PD/16A35-W3 Unit Status: UnitStatusChange: AS (ER)	UNIT STAT	V69	N6262
2/1/22 02:34:02	Dispatch: PD/16G60-W7	DPTCH	V69	N6262
2/1/22 02:34:02	Unit:PD/16G60-W7 Unit Status: NoNeedDisplay: False, UnitStatusChange: ER (CL)	UNIT STAT	V69	N6262
2/1/22 02:34:02	Unit:PD/16G60-W7 Unit Location: City: : PAC, Location:: 12935 DESMOND ST	UNIT MGMT	V69	N6262
2/1/22 02:34:02	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: PD/16G60-W7 (Officers: PD/MERIDA JOSUE), DispatchedTime: 2022-02-01 02:34:02	DPTCH	V69	N6262
2/1/22 02:34:02	Not Requested: Recommendations not requested	REC	V69	N6262
2/1/22 02:34:16	Unit:PD/16A59-W3 Unit Status: UnitStatusChange: AS (ER)	UNIT STAT	V69	N6262
2/1/22 02:34:33	Comments: 16L120 REQ 16G60 TO RESPOND, SETUP COMMAND POST SPROULE/DESMOND	CMNTS	V69	N6262
2/1/22 02:34:54	Not Requested: Recommendations not requested	REC	V69	N6262
2/1/22 02:34:57	Dispatch: PD/16X41-W3	DPTCH	V69	N6262
2/1/22 02:34:57	Unit:PD/16X41-W3 Unit Status: NoNeedDisplay: False, UnitStatusChange: AS (CL)	UNIT STAT	V69	N6262
2/1/22 02:34:57	Unit:PD/16X41-W3 Unit Location: City: : PAC, Location:: 12935 DESMOND ST (HWD WY W/ 5 FWY 8WLY044)	UNIT MGMT	V69	N6262
2/1/22 02:34:57	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: PD/16X41-W3 (Officers: PD/CARLOS JOSHUA, PD/FRAZER DANIEL), DispatchedTime: 2022-02-01 02:34:57	DPTCH	V69	N6262
2/1/22 02:34:57	Not Requested: Recommendations not requested	REC	V69	N6262
2/1/22 02:36:44	Comments: < 16L120 REQ R/A DESMOND/DRONFIELD TO STAND BY >	CMNTS	V69	N6262
2/1/22 02:36:52	Priority Ack'd: historyPriorityComments: 2022-02-01 02:36:44 , historyPriorityUpdates:	ACK	V75	G9833
2/1/22 02:38:12	Comments: FD 103/INC 107	CMNTS	V77	V9504
2/1/22 02:38:12	Priority Ack'd: historyPriorityComments: 2022-02-01 02:36:44 , historyPriorityUpdates:	ACK	V77	V9504
2/1/22 02:38:55	Comments: 16L120 SPEAKING W/ SUSP 1 SIDE FRONT BEDROOM	CMNTS	V69	N6262
2/1/22 02:39:10	Unit:PD/16G60-W7 Unit Status: UnitStatusChange: AS (ER)	UNIT STAT	V69	N6262
2/1/22 02:39:28	Comments: CP- DESMOND/SPROULE	CMNTS	V77	V9504
2/1/22 02:39:37	Comments: 16G60 HAS CP SPROULE/DESMOND	CMNTS	V69	N6262
2/1/22 02:39:53	Unit:PD/16G60-W7 Unit Location: City: : NULL (PAC), Location:: CP DESMOND/SPROULE (12935 DESMOND ST)	UNIT MGMT	V69	N6262
2/1/22 02:40:24	Not Requested: Recommendations not requested	REC	V77	V9504
2/1/22 02:40:28	Comments: 16L120 REQ TAC, OVBT1CH41	CMNTS	V69	N6262
2/1/22 02:40:38	Dispatch: PD/OVBT1CH41	DPTCH	V77	V9504
2/1/22 02:40:38	Unit:PD/OVBT1CH41 Unit Status: NoNeedDisplay: False, UnitStatusChange: AS (CL)	UNIT STAT	V77	V9504
2/1/22 02:40:38	Unit:PD/OVBT1CH41 Unit Location: City: : PAC, Location:: 12935 DESMOND ST	UNIT MGMT	V77	V9504
2/1/22 02:40:38	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: PD/OVBT1CH41, DispatchedTime: 2022-02-01 02:40:38	DPTCH	V77	V9504
2/1/22 02:40:38	Not Requested: Recommendations not requested	REC	V77	V9504
2/1/22 02:42:05	Not Requested: Recommendations not requested	REC	V69	N6262
2/1/22 02:42:17	Not Requested: Recommendations not requested	REC	V77	V9504
2/1/22 02:42:22	Unit:PD/16G64 Temp Unit Created:	UNIT MGMT	V69	N6262
2/1/22 02:42:22	Unit:PD/16G64 Unit Status: NoNeedDisplay: True, UnitStatusChange: AS (NULL)	UNIT STAT	V69	N6262
2/1/22 02:42:22	Dispatch: PD/16G64	DPTCH	V69	N6262
2/1/22 02:42:22	Dispatch: AlarmLevel: 0, AssignedUnitsWithOfficers: PD/16G64, DispatchedTime: 2022-02-01 02:42:22	DPTCH	V69	N6262
2/1/22 02:42:22	Not Requested: Recommendations not requested	REC	V69	N6262
2/1/22 02:42:26	Comments: DOC OFCR LEMPE NTFD	CMNTS	V77	V9504
2/1/22 02:44:34	Dispatch: PD/16Z45-W3	DPTCH	V69	N6262

CITY 0003

EXHIBIT K

BODY-WORN VIDEO

EXHIBIT K to the Declaration of Kevin E. Gilbert. A true and correct copy of the second video from Officer Jose Mendoza's body-worn camera for the subject incident.

Please click on the following link:

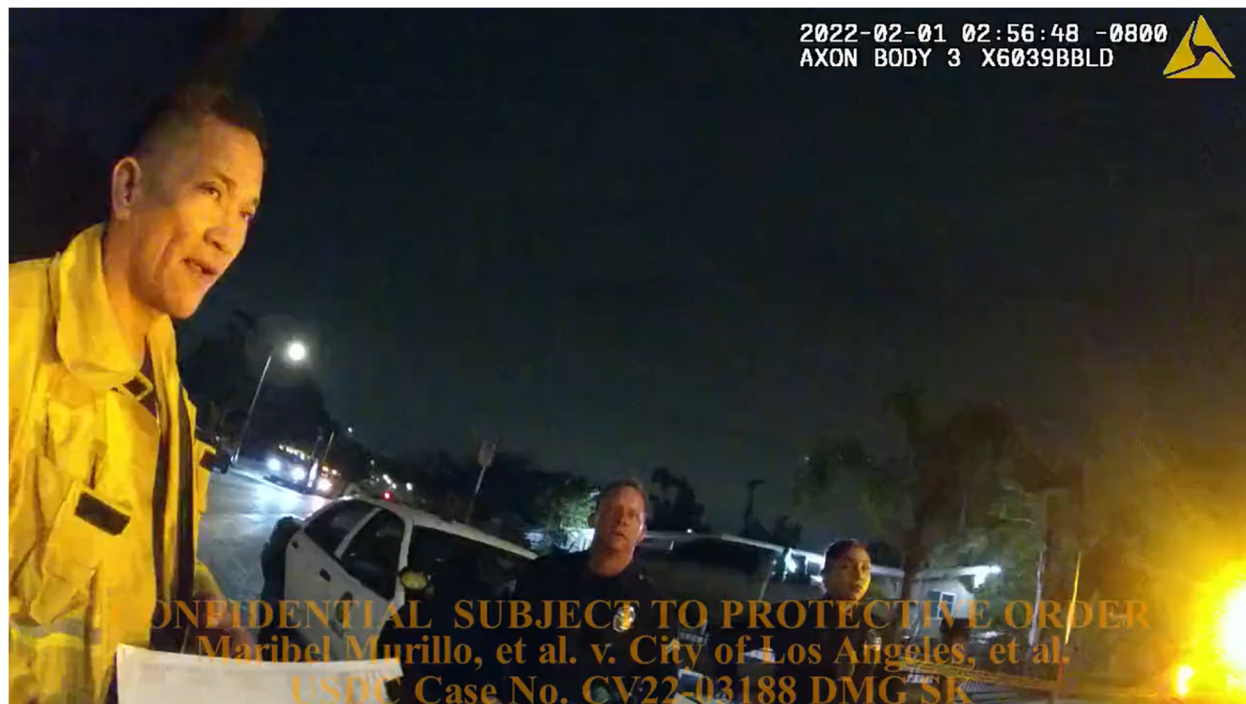


EXHIBIT L

BODY-WORN VIDEO

EXHIBIT L to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Kyle Griffin's body-worn camera for the subject incident.

Please click on the following link:



EXHIBIT M

BODY-WORN VIDEO

EXHIBIT M to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Jesus Martinez's body-worn camera for the subject incident.

Please click on the following link:

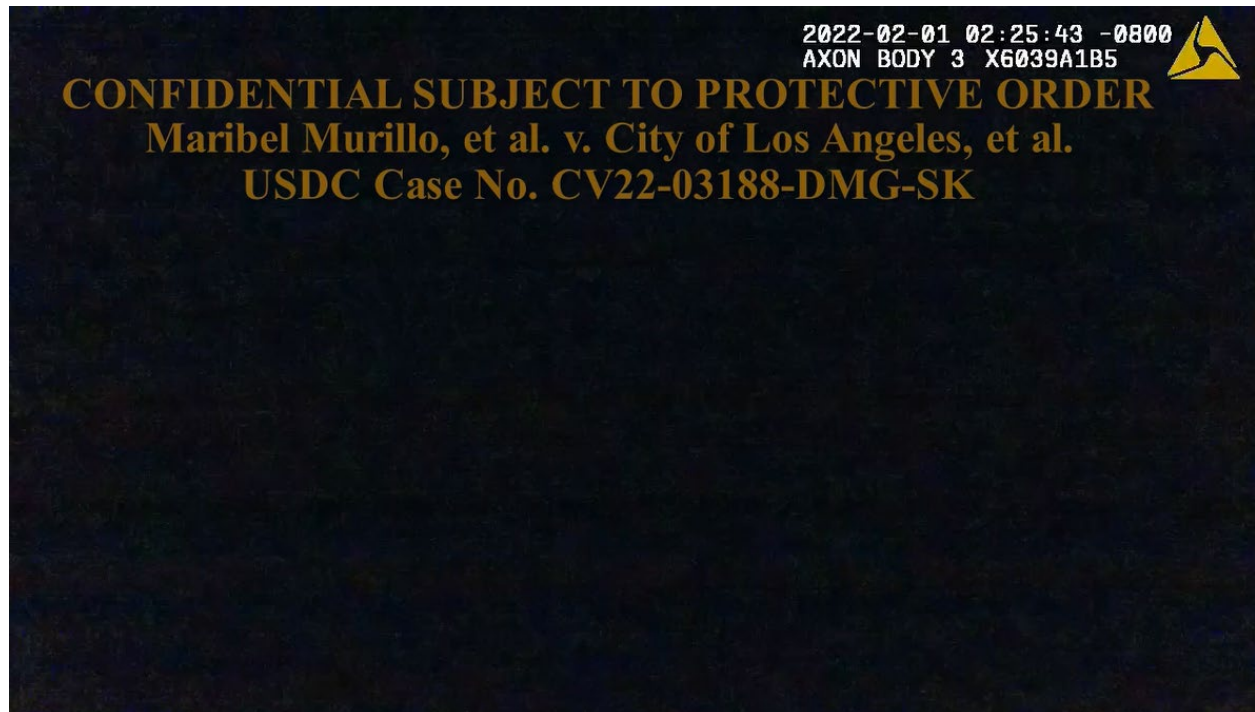


EXHIBIT N



CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER MURILLO V. CITY OF LA CV22-3188 DMG (SKx)

CONFIDENTIAL

CONFIDENTIAL

CITY 0002003

CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER MURILLO V. CITY OF LA CV22-3188 DMG (SKx)



CONFIDENTIAL

CONFIDENTIAL

CITY 0002004

EXHIBIT O

BODY-WORN VIDEO

EXHIBIT O to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Eric Schlesinger's body-worn camera for the subject incident.

Please click on the following link:



EXHIBIT P

BODY-WORN VIDEO

EXHIBIT P to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Marcos Gutierrez's body-worn camera for the subject incident.

Please click on the following link:

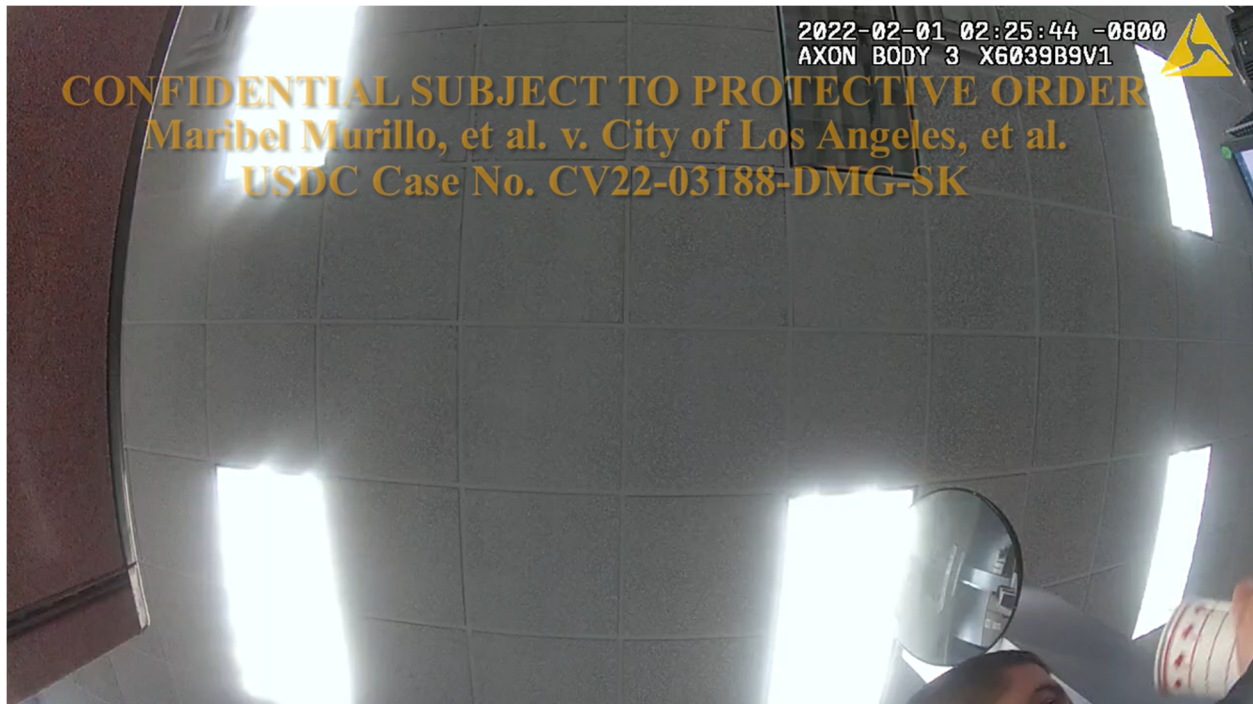


EXHIBIT Q

BODY-WORN VIDEO

EXHIBIT Q to the Declaration of Kevin E. Gilbert. A true and correct copy of the video from Officer Georgia Tykhomyrov's body-worn camera for the subject incident.

Please click on the following link:



EXHIBIT R

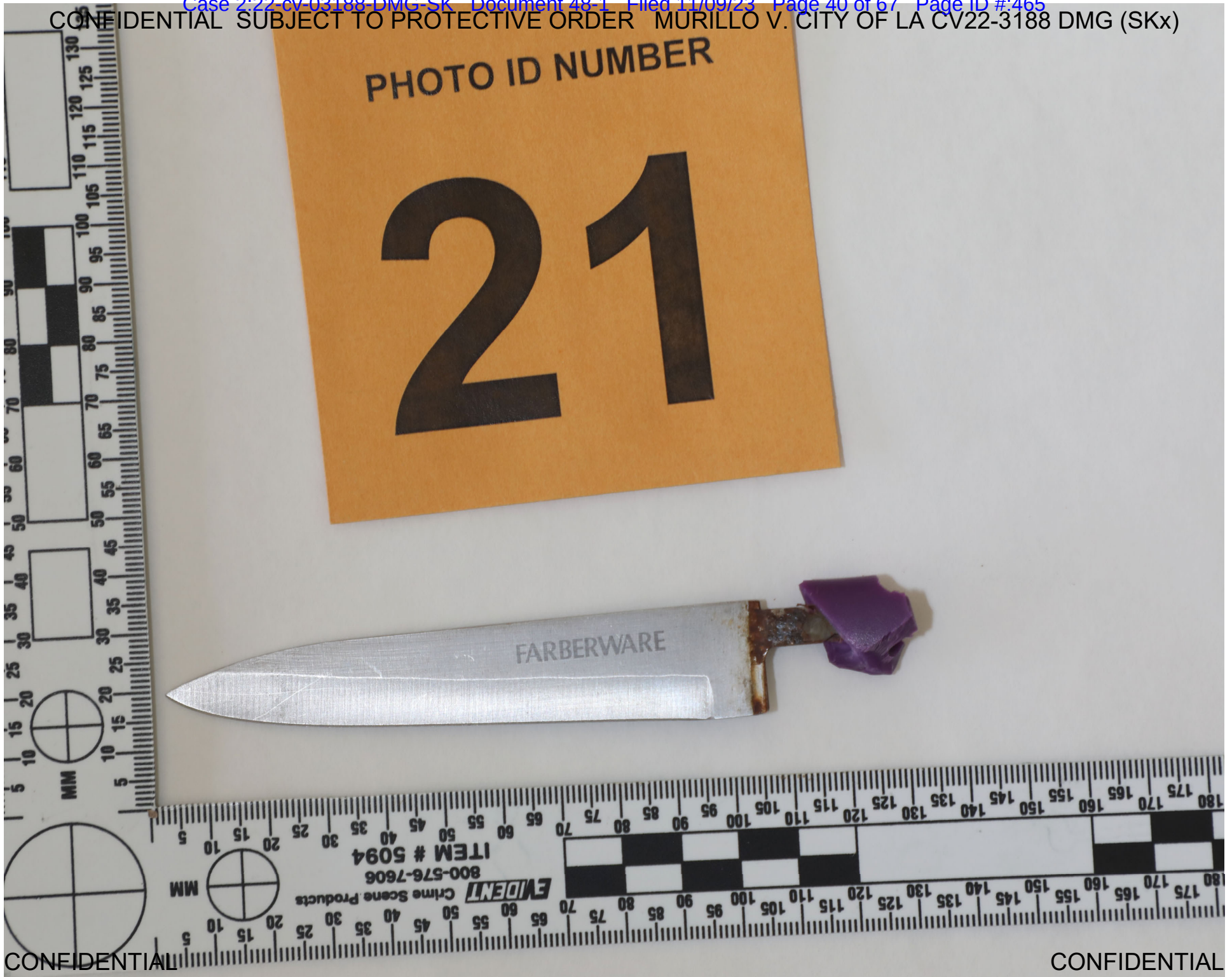
PHOTO ID NUMBER

16



CONFIDENTIAL

CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER MURILLO V. CITY OF LA CV22-3188 DMG (SKx)



CONFIDENTIAL

CONFIDENTIAL

EXHIBIT S

EXCERPT FROM BODY-WORN VIDEO OF KNIFE PROJECTED

EXHIBIT S



EXHIBIT T

BODY-WORN VIDEO

EXHIBIT T to the Declaration of Kevin E. Gilbert. A true and correct copy of the second video from Sergeant Francisco Alferez's body-worn camera for the subject incident.

Please click on the following link:



EXHIBIT U

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Jesus Martinez on 09/27/2023

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3
4 MARIBEL MURILLO,)
5 Plaintiff,)
6 vs.) Case No.
7 CITY OF LOS ANGELES, et al.,) 2:22-CV-03188-DMG-SK
8 Defendants.)
9 _____)
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14 REMOTE VIDEOCONFERENCE DEPOSITION OF
15 JESUS MARTINEZ
16 WEDNESDAY, SEPTEMBER 27 2023
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23 Reported Stenographically By:
24 Jinna Grace Kim, CSR No. 14151
25 Job No.: 11199

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Jesus Martinez on 09/27/2023

Page 2

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3
4 MARIBEL MURILLO,)
5 Plaintiff,)
6 vs.) Case No.
7 CITY OF LOS ANGELES, et al.,) 2:22-CV-03188-DMG-SK
8 Defendants.)
9 _____)
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14 The remote videoconference deposition of JESUS
15 MARTINEZ, taken on behalf of the Plaintiff, beginning at
16 10:13 a.m., and ending at 12:40 p.m., on Wednesday, September
17 27, 2023, before Jinna Grace Kim, Certified Stenographic
18 Shorthand Reporter No. 14151.
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MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Jesus Martinez on 09/27/2023

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1 APPEARANCES OF COUNSEL:

2

For the Plaintiffs:

3

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MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Jesus Martinez on 09/27/2023

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Jesus Martinez on 09/27/2023

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1 CALIFORNIA

2 WEDNESDAY, SEPTEMBER 27, 2023

3 10:13 A.M.

4 JESUS MARTINEZ,

5 called as a witness on behalf of the Plaintiff, having been
6 first duly sworn remotely via videoconference, was examined
7 and testified as follows:

8 EXAMINATION

9 BY MR. GALIPO:

10 Q. Can you please state your name.

11 A. Jesus Martinez.

12 Q. Are you able to hear me okay so far?

13 A. Yes, sir.

14 Q. If you have any trouble hearing me at any time, will
15 you please let me know?

16 A. I will, yes, sir.

17 Q. I'll try to ask questions that you can understand,
18 but if I ask you a question and for some reason you do not
19 understand it, please let me know, and I'll try to ask it in
20 a better way.

21 A. Yes, sir.

22 Q. I usually go about an hour and then take a break for
23 everyone including our court reporter, but if you feel you
24 need a break at any time before that for any reason, you just
25 let me know, and then we'll take a break when you want one.

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Jesus Martinez on 09/27/2023

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1 A. He was also to my right, to the east of my
2 position.

3 Q. In between the time you heard the 40-millimeter and
4 the time you fired your first shot, do you understand the
5 time frame I'm asking about?

6 In between hearing the 40 and you firing.

7 I know it's a short time, but that's the time period
8 I want to ask a few questions about.

9 Okay?

10 A. Okay.

11 Q. Did you give any commands during that time period in
12 between the 40 and you firing?

13 A. Yes, I did.

14 Q. And what commands did you give?

15 A. I was communicating with the suspect, Murillo, to
16 surrender peacefully.

17 Q. I just want to make sure you understand the time
18 frame correctly. I'm not talking about before you heard the
19 40-millimeter because I know you were trying to communicate
20 with him before that.

21 I'm talking about after you heard the 40-millimeter.

22 Are you with me?

23 A. Yes.

24 Q. So you're saying that after you heard the
25 40-millimeter, you told the suspect -- what exactly?

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Jesus Martinez on 09/27/2023

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1 **What words did you use?**

2 A. I continued to try to communicate with the suspect,
3 and I told him to surrender peacefully. The exact verbiage I
4 don't recall, but I kept an open communication with him.

5 Q. Did you give him any command like "Drop it," for
6 example?

7 A. No, sir.

8 Q. Did you give him a command like "Get on the ground?"

9 A. I did not.

10 Q. Did you tell him to stop?

11 A. I communicated with him to surrender peacefully and
12 we weren't trying to hurt him, and we were there to help
13 him.

14 Q. And this is after you heard the 40-millimeter?

15 A. Yes, sir.

16 Q. Did you give him any verbal warning you were
17 going to fire or use deadly force?

18 A. Throughout the 45 minutes to an hour, I communicated
19 with Murillo that we were there to help him and to find some
20 kind of help for him; that his family loved him and that we
21 didn't want to hurt him.

22 Q. So I'm asking kind of a specific question.

23 You have training, I'm assuming, or have had
24 training with respect to the use of deadly force?

25 A. Yes, sir.

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Jesus Martinez on 09/27/2023

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1 Q. Now, did you have some type of a mic in your hand?

2 A. I had the mic from the vehicle's PA in my left hand,

3 yes.

4 Q. And is that what you were using to try to

5 communicate with Mr. Murillo?

6 A. Yes.

7 Q. And you would have been behind the passenger door at

8 that time?

9 A. Yes.

10 Q. And you were using that door -- I think you told us

11 as cover?

12 A. Yes, correct.

13 Q. And is that about the time that you saw Mr. Murillo

14 cross in front of the spotlight?

15 A. That's the first time I saw him, yes.

16 Q. And the spotlight, was it coming from the passenger

17 side of your car?

18 A. It's on the passenger side in front of the door,

19 yes, sir, next to the --

20 MR. SINCICH: Sorry to interrupt, Dale.

21 I have the transcript if you need it.

22 MR. GALIPO: Okay. We're going to look at Pages 6

23 and 7 in a moment. So thank you, Marcel. Just stand by.

24 BY MR. GALIPO:

25 Q. Go ahead. I'm sorry, Officer.

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1 hands tucked in under his body, and we don't have a clear --
2 I don't have a clear view of his hand.

3 Q. I get that. I'm just wondering, you're not saying
4 he posed an immediate threat of death when he was on the
5 ground with his hands tucked underneath him and you couldn't
6 see a knife, are you?

7 A. At that point he wasn't an imminent threat; he's
8 still a threat.

9 Q. Okay. He's a threat, but not an imminent threat of
10 death or serious bodily injury; is that fair?

11 A. He's a threat until he's taken into custody.

12 Q. But not an imminent threat of death or serious
13 bodily injury; is that what you're saying?

14 MR. GILBERT: Vague as to the specific moment
15 totality of the circumstances being referenced.

16 Go ahead.

17 THE WITNESS: Based on the totality, trying to
18 communicate with Murillo for 45 minutes, the statements he
19 was giving that he wanted to hurt people, hurt officers, the
20 radio call itself, him armed with two knives, we don't know
21 what is in that room; I don't know what's on his person.

22 He could have a gun; may not. Him running out of
23 the door with two knives in his hand, failing to comply after
24 we told him to raise his hands and come out with no weapons,
25 he's still a threat even on the ground until he's taken into

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Jesus Martinez on 09/27/2023

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1 custody.

2 BY MR. GALIPO:

3 Q. Okay. First of all, how many knives did you see?

4 A. I saw one knife, sir.

5 Q. Okay. We're probably spending way too much time on
6 this, but I'm simply trying to ask you: Based on what you
7 observed and all the information you had, did you think it
8 was appropriate to shoot him when he was on the ground?

9 MR. GILBERT: Vague as to time and specific
10 circumstances.

11 Go ahead.

12 THE WITNESS: Are you asking me if it was
13 appropriate to shoot him?

14 BY MR. GALIPO:

15 Q. When he was on the ground.

16 A. While he was on the ground it was -- I waited until
17 he was taken into custody.

18 Q. You're not -- that's not what I'm asking you.

19 I'm asking you: Did you think it was appropriate to
20 shoot him when he was on the ground?

21 I'm not saying whether you did or not.

22 I'm just wondering whether you thought based on your
23 training, it would have been appropriate to shoot him when he
24 was on the ground.

25 MR. GILBERT: Vague as to the specific moment and

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.

Jesus Martinez on 09/27/2023

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1 circumstances.

2 Go ahead.

3 THE WITNESS: No, sir. I -- I waited there until he
4 was taken into custody while he was on the ground. My third
5 round was shot as he's running through my door hunched over
6 directly at my -- at my position.

7 BY MR. GALIPO:

8 Q. Okay. All right.

9 Now, after the shooting do you ever recall him being
10 on his back?

11 A. I don't recall, no, sir.

12 Q. Do you recall his hands being visible when he was on
13 his back on the ground?

14 A. Maybe when he was taken into custody and he was
15 placed in recovery position.

16 Q. Do you recall a shot going off while he was on his
17 back on the ground with his hands visible after he went to
18 the ground?

19 A. No, I don't recall that.

20 Q. Okay. So we're going to try to play now Exhibit --
21 I guess we'll call it Exhibit 1.

22 I think this is the body-worn camera footage from
23 Officer Griffin that you have reviewed.

24 And let's see if we can play a relevant portion.

25 And I may tell Alejandro to stop at particular time.

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CERTIFICATE

OF

CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

I, JINNA GRACE KIM, CSR No. 14151, a Certified
Stenographic Shorthand Reporter of the State of California,
do hereby certify:

That the foregoing proceedings were taken before me
at the time and place herein set forth;

That any witnesses in the foregoing proceedings,
prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made
by me, using machine shorthand, which was thereafter
transcribed under my direction;

Further, that the foregoing is an accurate
transcription thereof.

I further certify that I am neither financially
interested in the action, nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have subscribed my name, this
date: September 27, 2023.



Jinna Grace Kim, CSR No. 14151

EXHIBIT V

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Kyle Griffin on 09/27/2023

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3
4 MARIBEL MURILLO,)
5 Plaintiff,)
6 vs.) Case No.
7 CITY OF LOS ANGELES, et al.,) 2:22-CV-03188-DMG-SK
8 Defendants.)
9 _____)
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14 REMOTE VIDEOCONFERENCE DEPOSITION OF
15 KYLE GRIFFIN
16 WEDNESDAY, SEPTEMBER 27 2023
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23 Reported Stenographically By:
24 Jinna Grace Kim, CSR No. 14151
25 Job No.: 11199

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Kyle Griffin on 09/27/2023

Page 2

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3
4 MARIBEL MURILLO,)
5 Plaintiff,)
6 vs.) Case No.
7 CITY OF LOS ANGELES, et al.,) 2:22-CV-03188-DMG-SK
8 Defendants.)
9 _____)
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14 The remote videoconference deposition of KYLE
15 GRIFFIN, taken on behalf of the Plaintiff, beginning at 1:30
16 p.m., and ending at 3:30 p.m., on Wednesday, September 27,
17 2023, before Jinna Grace Kim, Certified Stenographic
18 Shorthand Reporter No. 14151.
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MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Kyle Griffin on 09/27/2023

Page 3

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MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Kyle Griffin on 09/27/2023

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MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Kyle Griffin on 09/27/2023

Page 5

1 CALIFORNIA

2 WEDNESDAY, SEPTEMBER 27, 2023

3 1:30 P.M.

4 KYLE GRIFFIN,

5 called as a witness on behalf of the Plaintiff, having been
6 first duly sworn remotely via videoconference, was examined
7 and testified as follows:

8 EXAMINATION

9 BY MR. GALIPO:

10 Q. Can you please state your name.

11 A. Yes. My name is Kyle Griffin.

12 Q. Are you able to hear me okay so far?

13 A. Yes.

14 Q. And just keep your voice up a little bit if you
15 could because I just want to make sure the court reporter can
16 hear you.

17 Did you sit-in on the last deposition?

18 A. Yes.

19 Q. How long have you been a police officer?

20 A. Since 2015.

21 Q. What did you do for work before you were a police
22 officer?

23 A. Briefly I was going to COC to study criminal
24 justice, and prior to that I was in the military.

25 Q. What branch were you in?

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Kyle Griffin on 09/27/2023

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1 Q. Right. And at least your determination was, you did
2 not need to; is that correct?

3 A. Yes.

4 Q. Did you think from your perspective it was
5 appropriate -- I'm not saying you did this, but was
6 appropriate to shoot at Mr. Murillo as he was falling to the
7 ground?

8 MR. GILBERT: Incomplete hypothetical; speculation.
9 Go ahead.

10 THE WITNESS: I believed that the entire time he was
11 advancing towards us even as he was going towards the ground.
12 The last thing that I saw was him tucking his hands into his
13 person, making it hard for me to see exactly where the knives
14 were. I believed he still had the knife, and he still could
15 have reached out to anyone that was within arms' reach of him
16 and cause serious bodily injury or death.

17 BY MR. GALIPO:

18 Q. Did you think from your perspective it was
19 appropriate to shoot him once he was on the ground?

20 Again, I'm not saying you did, but just from
21 what you observed.

22 MR. GILBERT: Vague as to specific moment being
23 referenced and incomplete hypothetical.

24 Go ahead.

25 THE WITNESS: I believed that there was imminent

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.

Kyle Griffin on 09/27/2023

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1 threat of death or serious bodily injury throughout all the
2 rounds that were fired including the one that I heard.

3 BY MR. GALIPO:

4 Q. My question was a little different.

5 My question was whether you think that there was an
6 imminent threat of death or serious bodily injury when he was
7 on the ground, and you could not see a knife?

8 A. At which point are we talking about is that?

9 Q. When he was on the ground on his back and you could
10 not see a knife, did you think there was an immediate threat
11 of death at that moment?

12 MR. GILBERT: Vague as to the specific moment.

13 Go ahead.

14 THE WITNESS: After all the rounds were fired
15 between myself and Officer Martinez, it's hard to ascertain.
16 For me there was -- I didn't know a 100 percent where
17 everyone was, and I think throughout the time that all the
18 rounds were fired as Mr. Murillo was towards us and going
19 towards the ground, it appeared that he was lunging towards
20 us. And so as all the rounds were being fired, there was an
21 imminent threat.

22 BY MR. GALIPO:

23 Q. I'm trying to ask you a different question.

24 I get what you're saying. I understand very well.

25 But I'm asking you this: Once he was on the ground,

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.

Kyle Griffin on 09/27/2023

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1 Go ahead.

2 THE WITNESS: Immediately before firing I observed
3 the knife in his hand, and as I was assessing he tucked his
4 hands close to his body. And at some point he was as he was
5 leaning forward, I was unable to see his hands, but I still
6 believed that the knife was in his hands.

7 BY MR. GALIPO:

8 Q. What I'm asking you is while you were firing your
9 shots.

10 Not before, not what you thought.

11 What you could see; could you see the knife while
12 you were firing your shots?

13 A. I believed because I didn't -- the last thing I saw
14 was the knife in his hand, and as he was leaning forward, I
15 never saw any motion that would cause me to believe that the
16 knife was no longer in his hands.

17 Q. I'm not asking what you believed or what you
18 thought.

19 I'm asking you a simple question.

20 Could you see the knife while you were firing your
21 shots?

22 Not what you thought, not what you believed, not
23 what you saw before.

24 I'm only asking you if you could see the knife
25 during your shots.

MARIBEL MURILLO vs CITY OF LOS ANGELES, ET AL.
Kyle Griffin on 09/27/2023

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CERTIFICATE

OF

CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

I, JINNA GRACE KIM, CSR No. 14151, a Certified
Stenographic Shorthand Reporter of the State of California,
do hereby certify:

That the foregoing proceedings were taken before me
at the time and place herein set forth;


That any witnesses in the foregoing proceedings,
prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made
by me, using machine shorthand, which was thereafter
transcribed under my direction;

Further, that the foregoing is an accurate
transcription thereof.

I further certify that I am neither financially
interested in the action, nor a relative or employee of any
attorney of any of the parties.

IN WITNESS WHEREOF, I have subscribed my name, this
date: September 27, 2023.


Jinna Grace Kim, CSR No. 14151